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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,184

09/30/2003

Michael L. Wilson

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5672

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7590

12/12/2006

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EXAMINER

TRAN, KHAI

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/675,184

Applicant(s)

WILSON ET AL.

Examiner

KHAI TRAN

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-10, 12-14 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1 sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 17 is objected to because of the following informalities: Appropriate correction is required.

Regarding 17, line 1, the term "program storage device" should be --A program storage device--.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Pat. 5,303,258).

Regarding claim 1, Nakamura discloses a method for effecting PN code sequence changes, the method comprising: determining an interceptor thread level; determining a first transmitter PN code sequence associated with the interceptor thread level (see col. 2, lines 25-49 wherein it illustrates that a transmitter having an input information, a modulation part for generating an ss signal in accordance with the input information, a switch for switching on and off a carrier signal in accordance with the ss signal, a first part for inverting a phase of the ss signal of the modulation part when a first pn signal formed of a plurality of chips changes from a low value at a preceding chip to a high value at a current chip, a second part for combining the inverted-phase ss

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signal with the carrier signal of the switch to produce a transmit signal, and an output part for outputting the transmit signal so that the transmit signal is transmitted from the transmitter); encoding a first transmitter PN signal with the first transmitted PN code sequence (see Figure 5B); transmitting the first transmitter PN encoded signal, wherein transmitting the first transmitter PN encoded signal further comprises transmitting the first transmitter PN encoded signal during a first transmitter time frame (see Figure 9); receiving the first transmitter PN encoded signal, wherein receiving the first transmitter PN encoded signal further comprising receiving the first transmitter PN encoded signal during a first receiver time frame (SS demodulator 56); PN decoding the first transmitter PN encoded signal (see col. 8, lines 21-43).

Claims 11, 15 are similar to claim 1. Therefore, claims 11 and 15 are rejected under a similar rationale.

***Allowable Subject Matter***

4. Claims 2-10, 12-14, 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art discloses or suggests wherein the step of determining the first transmitter PN code sequence associated with the interceptor threat level further comprises: changing the first transmitter PN code sequence to a second transmitter PN code sequence; encoding a second transmitter PN signal with the

second transmitter PN code sequence; and transmitting the second transmitter PN encoded signal, wherein transmitting the second transmitter PN encoded signal further comprises transmitting the second transmitter PN encoded signal during a second time frame.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Trompower (U.S. Pat. 6,132,306) discloses a cellular communication system with dedicated repeater channels.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (571) 272-3019. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KHAI TRAN  
Primary Examiner  
Art Unit 2611

*KT*  
*December 8, 2006*